

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 579

(Duly Adopted March 8, 2023)

AN ORDINANCE SUBSTANTIALLY AMENDING CHAPTER 4, ARTICLE II OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO PARK AND RECREATION COMMISSION) TO EXPAND THE MEMBERSHIP OF THE COMMISSION AND ITS DUTIES AND RESPONSIBILITIES, AND ESTABLISH CERTAIN ORGANIZATIONAL PROVISIONS; AND GRANTING THE BOROUGH MANAGER TWO WEEKS OF ANNUAL VACATION TIME AFTER NINETY (90) DAYS AS BOROUGH MANAGER.

**WHEREAS**, the Borough has established a Park and Recreation Commission; and

**WHEREAS**, Council desires to expand the duties and responsibilities of the Commission to better organize and promote special events and recreational programs; and

**WHEREAS**, Council desires to expand the membership of the Commission to carry out its increased functions; and

**WHEREAS**, section 2709(b) of the Borough Code, 8 PA. CONS. STAT. § 2709(b), provides that a recreation board shall consist of a minimum of five and a maximum of nine persons; and

**WHEREAS**, Borough Council desires to so amend its Park and Recreation Commission ordinance (Chapter 4, Article II of the Alburtis Codified Ordinances) as set forth below; and

**WHEREAS**, Borough Council desires to provide the Borough Manager with two (2) weeks of annual vacation time after completing ninety (90) days of service;

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

**SECTION 1.** Chapter 4, Article II of the Codified Ordinances (relating to Boards and Commissions—Park and Recreation Commission) is amended by adding, amending, or deleting provisions as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

## **Chapter 4 — Boards and Commissions**

### **Article II — Park and Recreation Commission**

#### **§ 4-201 Establishment.**

Council hereby establishes the Alburtis Park and Recreation Commission pursuant to the authority granted in sections ~~1202(74)~~ 1203 and 2708 *et seq.* of the Borough Code, ~~53 PA. STAT. ANN. §§ 46202(74), 47708~~ *et seq.* 8 PA. CONS. STAT. §§ 1203, 2708 et seq.

#### **§ 4-202 Composition of Commission.**

**(a) In General.** The Alburtis Park and Recreation Commission shall consist of ~~five (5)~~ nine (9) persons who shall be residents of the Borough. Each member shall be appointed by Council to serve for a term of five (5) years, except as provided in subsection (b). The terms of the members shall be staggered so that the term of one (1) or two (2) members shall expire each March 4 (the anniversary of the creation of the Commission). In the event of a vacancy on the Commission, Council shall appoint a qualified individual to serve for the remainder of the term (even if the position was previously appointed by the School Board of the East Penn School District). Members of the Park and Recreation Commission shall serve without pay. If an employee of the Borough voluntarily offers to serve as a member of the Commission, the employee shall not be entitled to any compensation for time devoted to such activities.

**(b) Increase in Size of the Commission.** As of March 4, 2023, the Commission consists of one member whose term expires March 4, 2025,

one member whose term expires March 4, 2026, and one member whose term expires March 4, 2027. There are vacancies for a term which expires March 4, 2024 and a term which expires March 4, 2028. Council hereby creates four new positions whose initial terms expire on March 4, 2025, March 4, 2026, March 4, 2027, and March 4, 2028, respectively.

#### **§ 4-203    Organization of Commission.**

The members of the Park and Recreation Commission shall elect their own ~~Chairman~~, Vice Chair, Secretary, ~~the Coordinators~~ described in § 4-206, and such other officers as they deem necessary. Each officer shall serve for a period of one (1) year, subject to the pleasure of the Commission. The Commission may adopt rules and regulations for the conduct of its business. The Commission shall meet monthly in accordance with a schedule adopted by them, and otherwise at the call of the Chair on at least two (2) calendar days notice to the members and compliance with the advertising requirements of the Sunshine Act, 65 PA. CONS. STAT. § 701 et seq. A majority of the Commission shall constitute a quorum to conduct business, and the Commission shall make decisions by a majority vote of those present and voting.

#### **§ 4-204    Duties and Powers.**

The Park and Recreation Commission shall supervise, equip, operate, and maintain public parks, parkways, playgrounds, playfields, swimming pools, public baths, bathing places, indoor recreation centers, and/or gymnasiums owned or leased by the Borough, subject to the restrictions of § 4-205, promote recreational opportunities and special events for Borough residents, offer sponsorship programs to raise funds for recreational activities, special events, and other purposes as determined by Council, and advise Council on matters relating to parks, recreation, special events, and open space. In the exercise of these powers, the Park and Recreation Commission shall:

- (a) Expand and help others to expand the range and variety of recreational programs available in the Borough.

- (b) Help promote existing Borough recreation organizations.
- (c) Encourage existing Borough recreation organizations to become more involved in meeting the leisure needs of Borough residents.
- (d) Develop a master site plan which explores the feasibility of curing some or all of the facility deficiencies identified in the Alburdis Parks, Recreation, and Open Space Plan.
- (e) Explore mechanisms for assisting quasi-public Borough recreation organizations in upgrading and maintaining their properties.
- (f) Work with Lehigh County and the Lehigh County Wildlands Conservancy to improve existing recreational resources which are under their control.
- (g) Continue to review plans and make recommendations to Borough Council with respect to Borough requirements that developers and subdividers dedicate suitable recreation land or pay fees in lieu of such dedication.
- (h) Establish and maintain an annual maintenance calendar for all Borough-owned or leased park, recreation, or open space land.
- (i) ~~Prepare an annual recreation newsletter for~~ Coordinate the distribution to Borough residents of information describing recreation activities and special events in and around the Borough, including through the Borough newsletter and Borough or Commission internet websites and/or social media platforms.
- (j) Re-evaluate the Alburdis Parks, Recreation, and Open Space Plan at least ~~annually~~ every two (2) years.
- (k) Submit an annual report to Council in connection with the preparation of the Borough budget, which shall include an analysis of community recreation areas, facilities, programs, projects, events, and leadership, with particular reference to the extent or adequacy of the programs and their effectiveness in view of the public expenditures involved and public needs.
- (l) Create, implement, and revise from time to time, sponsorship programs as described in § 4-208.

(m) Plan, coordinate, support, assist, and/or operate special events (e.g., a Halloween parade).

~~(h)~~ (n) Perform all other duties necessary or convenient to carry out its powers, or to provide helpful and timely advice and recommendations to Council on matters relating to parks, recreation, special events, and open space within the Borough or for the benefit of Borough residents. The enumeration of specific duties in subsections (a) through ~~(k)~~ (m) above shall not be construed as being an exhaustive list of the functions to be performed by the Alburtis Park and Recreation Commission.

#### **§ 4-205 Limitations.**

The Park and Recreation Commission shall not employ any persons, engage any consultants, expend any funds, or enter into any obligations unless such actions have been authorized by Council. Council may authorize Borough employees to assist in executing the duties of the ~~park~~ Park and Recreation Commission. However, all Borough employees assigned any duties or responsibilities in connection with the supervision, equipment, operation, and maintenance of Borough recreation places shall remain subject at all times to their regular supervisors and, ultimately, Council, and shall not be directed by the Park and Recreation Commission or any of its members. Council reserves the right to rescind any action taken by the Park and Recreation Commission at any time

#### **§ 4-206 Coordinators.**

(a) In General. The Park and Recreation Commission shall appoint from among its members one person for each subject area identified in subsection (b) to serve as the Coordinator with particular responsibilities in that subject area. A member may serve as the Coordinator for more than one subject area, and a member need not be assigned as a Coordinator for any subject area. Although the Coordinator has a special responsibility to address matters within the particular subject area, all members of the Park and Recreation Commission have overall responsibility and control over all activities of the Commission.

**(b) Subject Areas.**

**(1) Vendor Relations** — coordination with persons or entities to be engaged or permitted to provide goods or services on Borough property or public streets, or in connection with events or projects of the Park and Recreation Commission, for a fee, whether charged to the Borough or members of the public (e.g., food trucks at a parade event). The Commission may charge (and remit to the Borough Treasurer) the vendors fees for permitting their operations.

**(2) Marketing** — coordinating the production and distribution of physical materials and electronic information (including through Borough and Commission newsletters and mailings, websites, and social media); coordinating relations with outside media such as newspapers, radio and television stations, websites, and streaming services; and coordinating the sponsorship programs described in § 4-208.

**(3) Commission Events** — coordinating the planning and operation of special events directed by the Commission (e.g., a Halloween parade).

**(4) Outside Events** — coordinating Commission assistance to special events primarily directed by persons or organizations other than the Commission (e.g., National Night Out, events of youth or adult athletic organizations, etc.).

**(5) AACC** — coordinating activities with the Alburtis Area Community Center.

**(6) Borough Recreation Property** — coordinating the planning, inspection, and maintenance of Borough owned or leased recreation property; coordinating the planning, acquisition, installation, and construction of equipment and facilities on Borough owned or leased recreation property (e.g., a new piece of playground equipment, a roller hockey rink, a new fence on a baseball field, a basketball court, etc.); coordinating the use of equipment and facilities on Borough owned or leased recreation property.

**§ 4-207    Phases of Operation.**

The Park and Recreation Commission shall conduct its operations in phases devoted to general planning, event or project planning, and implementation as follows:

(a)    **General Planning Phase.** This phase consists of planning the general scope of activities of the Park and Recreation Commission. The Commission shall establish, review, and update its plans from time to time, and submit them to Council for its approval.

(b)    **Event or Project Planning Phase.** This phase involves the planning to conduct a particular event or undertake a particular project. The Commission shall establish plans for individual events and projects from time to time, and submit them to Council for its approval prior to proceeding further. For purposes of this Article, the term—

(1)    “**Event**” means an activity conducted over a short period of time, such as a parade, concert, festival, game, tournament, or limited-time fundraiser.

(2)    “**Project**” means a program to acquire, install, and/or construct particular equipment or facilities; a commitment to provide assistance (financial or otherwise) to the general activities or specific events of an outside organization; or the creation or revision of a sponsorship program under § 4-208.

(c)    **Implementation Phase.** This phase involves the execution or implementation of an event or project previously approved by Council. Unless otherwise directed by the Park and Recreation Commission, the Coordinator of the subject area most closely associated with the event or project shall have authority to supervise the implementation, execution, and conduct of the event or project, and may purchase items or services needed for the event or project up to a total cost of One Thousand Dollars (\$1,000.00) per event or project from funds budgeted or designated for recreation purposes, or raised under a sponsorship program under § 4-208 and designated for such purposes by Council. All other expenditures must be specifically approved by Council.

**§ 4-208 Sponsorship Programs.**

**(a) Creation and Revision.** The Park and Recreation Commission may, from time to time, create and revise sponsorship programs to raise funds for the purposes of the Borough, the Commission, and/or Cooperating Organizations. All new sponsorship programs and all revisions must be approved by Council as described in § 4-207(b) and (c) before any commitments may be made on behalf of the Borough or any funds are collected or distributed by the Borough.

**(b) In General.** A sponsorship program offers participating businesses, organizations, or other persons the ability to advertise on specified Advertising Media for a limited period of time in exchange for a fee payable to the Borough. The particular fees and conditions and levels of advertising exposure on each type of Advertising Media shall be established for each sponsorship program. The sponsorship program may require the participants to provide physical advertising materials and electronic advertising content or other reproducible templates in addition to the fee. Each participant must certify that it has the full right to use all text, logos, or other content to be displayed in the advertising, and that such use will not violate any copyright, trademark, or other intellectual property rights of others.

**(c) Advertising Media.** For purposes of this Section, the term “Advertising Media” includes (1) physical objects, such as banners which are hung on property owned, leased, or controlled by the Borough or a Cooperating Organization, and t-shirts or other promotional items, newsletters, brochures, posters, and programs sold or distributed by the Borough or a Cooperating Organization, (2) electronic or virtual locations where the right to display content is owned or controlled by the Borough or a Cooperating Organization, such as websites and social media accounts, and (3) event or project advertising by the Borough or a Cooperating Organization in other print, electronic, or digital media, in which a portion is to be utilized for the advertisement of a participant in the sponsorship program.

**(d) Cooperating Organization.** For purposes of this Section, the term “Cooperating Organization” means a person, entity, association, or organization which permits the Borough to utilize some of the Cooperating Organization’s property or rights for the use of Advertising Media in the



sponsorship program (e.g., a banner to be hung on property of the Cooperating Organization or space on a website whose content is controlled by the Cooperating Organization). The Borough may agree to pay a portion of the fees collected by the Borough through the sponsorship program to the Cooperating Organization or its designee in exchange for the property or rights of the Cooperating Organization permitted to be used by the sponsorship program, provided that the Cooperating Organization agrees it will not directly or indirectly use any of its property or rights to allow others to advertise there for a fee (not just the particular Advertising Media locations granted to the sponsorship program), and the Borough's rights are exclusive.

#### **§ 4-209    Mobile Food Facilities.**

The Park and Recreation Commission shall insure that all Mobile Food Facilities (e.g., food trucks, food carts, etc.) permitted to operate on Borough recreational property or in connection with any Commission-sponsored event:

(a)    have a current Retail Food License issued by the Pennsylvania Department of Agriculture (unless exempt), and post a copy of such license in public view during all hours of operation. Mobile Food Facilities shall comply with all applicable requirements of the Retail Food Facility Safety Act, 3 PA. CONS. STAT. § 5701 *et seq.*; and

(b)    provide the Borough with a certificate issued by an insurance company licensed to conduct business in the Commonwealth of Pennsylvania showing Commercial General Liability coverage for the period of operation in the Borough with limits of not less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate, and naming the Borough of Alburtis as an Additional Insured.

**SECTION 2.** Codified Ordinances § 12-302(c) (relating to Personnel Policies—Paid or Unpaid Time Off—Vacations—Number of Vacation Days—Employees Hired After May 31, 1996) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 12-302 Vacations.**

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(c) **Number of Vacation Days—Employees Hired After May 31, 1996.** The number of vacation days available during any given calendar year to a full-time Borough employee who was first hired by the Borough as a full-time employee after May 31, 1996 shall be determined as follows:

(1) ~~If~~ Except as provided in paragraph (5), if the full-time employee is first hired as a full-time employee during that calendar year: zero (0) days.

(2) ~~If~~ Except as provided in paragraph (5), if the first anniversary of the date the full-time employee was first hired as a full-time employee (hereinafter, the “**First Day**”) occurs during that calendar year: zero (0) days until said first anniversary, and ten (10) days thereafter, if he is a full-time employee on the first anniversary.

~~(4)~~ (3) Except as provided in paragraph ~~(3)~~ (5), if the second, third, fourth, fifth, or sixth anniversary of the full-time employee’s First Day occurs during that calendar year: ten (10) days.

~~(5)~~ (4) Except as provided in paragraph ~~(3)~~ (5), if the seventh anniversary of the full-time employee’s First Day occurs during that calendar year: ten (10) days, *plus* an additional five (5) days at any time after said seventh anniversary if he is a full-time employee on the seventh anniversary.

~~(3)~~ (5) In the case of the Borough Manager—

(A) If the Borough Manager’s First Day occurs during that calendar year and the ninety-first (91<sup>st</sup>) day after the Borough Manager commenced employment as the Borough Manager also occurs during that

calendar year: ten (10) days at any time after the ninety-first (91<sup>st</sup>) day after the Borough Manager commenced employment as the Borough Manager, if he is Borough Manager at that time.

~~(A)~~ (B) If the first, second, third, fourth, or fifth anniversary of the Borough Manager's First Day occurs during that calendar year: ten (10) days.

~~(B)~~ (C) If the sixth or seventh anniversary of the Borough Manager's First Day occurs during that calendar year: fifteen (15) days.

(6) If the eighth, ninth, tenth, eleventh, twelfth, thirteenth, or fourteenth anniversary of the full-time employee's First Day occurs during that calendar year: fifteen (15) days.

(7) If the fifteenth anniversary of the full-time employee's First Day occurs during that calendar year: fifteen (15) days, *plus* an additional five (5) days at any time after said fifteenth anniversary if he is a full-time employee on the fifteenth anniversary.

(8) If the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, or twenty-fourth anniversary of the full-time employee's First Day occurs during that calendar year: twenty (20) days.

(9) If the twenty-fifth anniversary of the full-time employee's First Day occurs during that calendar year: twenty (20) days, *plus* an additional five (5) days at any time after said twenty-fifth anniversary if he is a full-time employee on the twenty-fifth anniversary.

(10) If the anniversary of the full-time employee's First Day which occurs during that calendar year is greater than the twenty-fifth: twenty-five (25) days.

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**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis,  
this 8<sup>th</sup> day of March, 2023, in lawful session duly assembled.

**BOROUGH COUNCIL  
BOROUGH OF ALBURTIS**

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Ronald J. DeIaco, President

Attest:

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Stephen Nemeth, Borough Manager

**AND NOW**, this 8<sup>th</sup> day of March, 2023, the above Ordinance is hereby **APPROVED**.

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Kathleen Palmer, Mayor